TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES

Chap. Sec.
44. United States Capitol Historical Society [New] 1201

CHAPTER 3—THE AMERICAN LEGION

§ 45. Membership

No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; August 5, 1964, to May 7, 1975; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.

(As amended Aug. 17, 1978, Pub. L. 95-346, 92 Stat. 485.)

AMENDMENTS

1978—Pub. L. 95-346 substituted "May 7, 1975" for "August 15, 1973".

CHAPTER 4A—AMVETS (AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM)

§ 67. Corporation created

The following persons, to wit: Jack W. Hardy, 7421 Beverly Boulevard, Los Angeles, California; Elmo Keel, 4085 Minnesota Avenue Northeast, Washington, District of Columbia; William Enters, suite 1509–1511, 11 South LaSalle Street, Chicago, Illinois; Doctor Gerald I. Cetrulo, 166 Bloomfield Avenue, Newark, New Jersey; Norman Clock, 125 South Fourth Street, Reading, Pennsylvania; Floyd Williams, C–2 704 North Monroe Street, Arlington, Virginia; Reverend Joseph T. O'Callaghan, United States Navy Department, Washington, District of Columbia; George R. Porter, 1730 South Adams Street, Fort Worth, Texas; Robert E. McLaughlin, 800 South Washington Street, Alexandria, Virginia; Ray Sawyer, Plymouth, New Hampshire; James C. Tate, 2 Wilton Road, Rural Free Delivery Numbered 5, Alexandria, Virginia; George E. Burke, 1126 Central Avenue, Saint Petersburg, Florida; A. Ronald Button, 6331 Hollywood Boulevard, Hollywood 28, California; Americus Lamberti, 515 West Seventh Street, Plainfield, New Jersey; Emory S. McNider, Coffeyville, Alabama; Allen Hansen, 815 East Broadway, Tucson, Arizona; Edward S. Shattuck, 1400 North Hobart Boulevard, Los Angeles, California; Elvon L. Howell, 652 Gilpin Street, Denver, Colorado; William N. Welsh, 21 Bristol Street, West Haven, Connecticut; Francis D. Odell, 18 Lawson Avenue, Claymont, Delaware; George Lewis, 125 State Capitol, Atlanta, Georgia; Lee Witaski, 1438 Thorndale Avenue, Chicago, Illinois; Doctor Clyde Iongstreth, Atlantic, Iowa; Harry N. Gillig, Junior, 612 Kansas Avenue, Topeka, Kansas; John H. Ostertag, 955 Charles Street, Louisville, Kentucky; Otto E. Passman, 114–120 Walnut Street, post-office drawer 1833, Monroe, Louisiana; Doctor G. E. Marrone, 610 Fairview Avenue, Frederick, Maryland; Howard J. McDonald, 4 College Street, Lewiston, Maine; Edward J. Beauchamp, 4 College Street, Lewiston, Maine; Albert J. Reynolds, Tremont Temple Building, Boston, Massachusetts; Neil Holland, 401 Charlevoix Building, 2033 Park Avenue, Detroit, Michigan; Monte M. Korn, 18041 Washburn, Detroit, Michigan; Raymond D. Vosburgh, 222½ West Lewis Street, Mankato, Minnesota; George R. Gess, box 47, Mount Olive, Mississippi; Henry W. Simpson, room 500, 119 North Seventh Street, Saint Louis, Missouri; R. C. Letcher, Billings Fire Department, Billings, Montana; Doctor A. D. Faier, 1102 Medical Arts Building, Omaha, Nebraska; Jay J. Strode, Wells, Nevada; N. L. Samaha, C–1, 1 Keeble Street, Plymouth, New Hampshire; William Hepp, 1918 Liberty Bank Building, Buffalo, New York; Huston W. Galyen, 1121 Sixteenth Avenue North, Fargo, North Dakota; Carl Freudenberg, 1298 Michigan Avenue, Cincinnati, Ohio; Fred Milligan, attorney at law, Columbus, Ohio; Joseph D. Stafford, route 2, box 662, Oklahoma City, Oklahoma; Anthony R. McGrath, 609 Plaza Building, Pittsburgh, Pennsylvania; Harry M. DeWitt, Junior, 2316 Fortieth Street Northwest, Washington, District of Columbia; Robert W. Donald, postoffice box 2, Easley, South Carolina; Dick Kelly, Shaw Insurance Company, Sioux Falls, South Dakota; Alex Bullocks, 1464 Washington Street, Memphis, Tennessee; Thomas J. Russell, Burlington, Vermont; John E. Fletcher, 806 North Eye Street, Tacoma, Washington; R. L. Stubbs, Professional Building, Fairmont, West Virginia; Walter L. Thompson, 1316 Lombard, Everett, Washington; Robert A. Garrett, 163 Eccles Building, Ogden, Utah; Searcy Johnson, 805 Mercantile Building, Dallas, Texas; Hampton C. Godbe, 116 P Street, Salt Lake City, Utah; Allen P. Solada, 311 Dauphin Building, Harrisburg, Pennsylvania; George Vukmanic, 221 Martin Avenue, Pittsburgh 16, Pennsylvania;

Royce C. Granger, 102 East Eighteenth Street, Tulsa, Oklahoma; Charles E. Nassif, 1023 Thirteenth Street North, Fargo, North Dakota; Paul D. Higgins, 104½ Broadway, Fargo, North Dakota; Edmund P. Radwan, 906 Broadway, Buffalo, New York; Alexander J. Matturria, 234 Mount Prospect Avenue, Newark, New Jersey; J. F. Roche, Bond Building, 1015 Elm Street, Manchester, New Hampshire; Kenneth A. Van Vorst, 114 East Bonanza Road, Las Vegas, Nevada; Julian C. Harvey, 1731 Walnut Street, Kansas City, Missouri; John Wesley, box 482, Picayune, Mississippi; Claude C. Morgan, 810 Hammond Building, Detroit, Michigan; Edward A. Trudell, 26 Horan Way, Jamaica Plain, Massachusetts; Vincent C. Neeson, Labelle and Bellona, Ruxton, Baltimore 4, Maryland; R. L. Huot, 106 Elm Street, Biddeford, Maine; John E. Sutherlin, Sutherlin Sales Company, Industries Building, New Orleans, Louisiana; Thomas Wilkerson, 1600 Washington, Henderson, Kentucky; John C. Junkins, Cherokee, Kansas; Doctor C. W. Hoffman, 1340 Forth-first Street, Des Moines, Iowa; Allen W. Jenkins, 1015 Cherry Street, Evansville, Indiana; Edwin I. Bruder, 6837 Clyde Avenue, Chicago, Illinois; Harry P. Orcutt, Fort Benning, Georgia; Arthur Di Vincent, post-office box 4579, Miami 28, Florida; Maurice B. Marholin, 176 McClintock Road, New Britain, Connecticut; Harry Steinbery, First National Bank Building, El Dorado, Arkansas; Jess Curtiss, 807 North Third Street, Phoenix, Arizona; Edward S. Coston, 69 Ninth Street North, Birmingham, Alabama; Anthony O. Jones, 315 Security Building, Phoenix, Arizona; Frank Dee Scriven, 8474 West Third Street, Los Angeles 36, California; Allen C. Hessler, 1275 Clarkson Street, Number 4, Denver 3, Colorado; Michael Dzamki, 3912 First Street, East Chicago, Indiana; S. Howard Rudolph, Junior, Atlantic, Iowa; Fred K. Greer, 427 East Market Street, Princeton, Kentucky; Roy Morgan, Winnfield, Louisiana; James C. Wilt, 842 Columbia Avenue, Cumberland, Maryland; Chester Modzelewski, 67 Davenport Street, Chicopee, Massachusetts; Arthur Madar, 9166 Yorkshire, Detroit, Michigan; John J. Clark, 257 Harrison Street, Biloxi, Mississippi; William E. Blake, 73 Grey, Buffalo 12, New York; Albert Geremia, room 303, 17 Exchange Street, Providence, Rhode Island; Frank E. Richter, 3, 12–14 West Sixth Street, Evansville, Indiana; Frank J. Ross, 1020 East Pleasant, Milwaukee, Wisconsin; Conrad K. Strauss, 160 Holland Avenue, Cowesett, Rhode Island; Paul S. Limerick, 456 Catalina, Webster Groves, Missouri; Raymond O'Brien, 22 North Ryan Street, Buffalo, New York; Dallas P. Richeson, post-office box 2226, Phoenix, Arizona; Fred Nimz, route 6, box 815A, Phoenix, Arizona; Tom Bulman, 243 East Fifteenth Street, Tucson, Arizona; Charles E. Brode, 15 North Lee Street, Cumberland, Maryland; Clyde B. Blanton, 2095 Seventh Avenue, North, Saint Petersburgh, Florida; Floyd Cooper, 912 Polk Street, Amarillo, Texas; Paul Moody, 548 South Spring Street, Los Angeles, California; Oliver A. Farabee, Lexington, North Carolina; Thad Males, 329 West Valerio Street, Santa Barbara, California; and such persons who are members of the AMVETS (American Veterans of World War II, Korea, and Vietnam) and their successors, are created and declared to be a body corporate by the name AMVETS (American Veterans of World War II, Korea, and Vietnam) and by such name shall be known and have perpetual succession of the powers, limitations, and restrictions herein contained.

(As amended Aug. 15, 1977, Pub. L. 95–98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95–98 substituted "World War II, Korea, and Vietnam)" for "World War II)".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of Pub. L. 95–98 provided that: "The amendments made by the first section of this Act [amending sections 67 to 67b, 67e, 67g, 67h, and 67p to 67r of this title] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Aug. 15, 1977]."

§ 67a. Adoption of constitution, bylaws, and declaration of principles; election of officers

CODIFICATION

Amendment of this section by Pub. L. 95–98, § 1(a), Aug. 15, 1977, 91 Stat. 830, which directed that "AMVETS (American Veterans of World War II, Korea, and Vietnam)" be substituted for "AMVETS (American Veterans of World War II)" has not been executed to text since the organization name is used in this section in the context of a historical reference to the name of the predecessor unincorporated association as that association existed at the time of the 1945 convention, at which time the association was named "AMVETS (American Veterans of World War II)".

§ 67b. Purposes of corporation

The purposes of this corporation shall be as follows:

(1) To preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this Nation was founded.

(2) To maintain a continuing interest in the welfare and rehabilitation of the disabled veterans of World War II, the Korean conflict, and the Vietnam era and to establish facilities for the assistance of all veterans and to represent them in their claims before the Veterans' Administration and other organizations without charge.

[*See main edition for text of (3) to (11)*]

(As amended Aug. 15, 1977, Pub. L. 95–98, § 1(b)(1), 91 Stat. 830.)

AMENDMENTS

1977—Par. (2). Pub. L. 95–98 inserted ", the Korean conflict, and the Vietnam era" following "World War II".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–98 effective Oct. 1, 1977, see section 2 of Pub. L. 95–98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

§ 67e. Membership

Any person who served in the Armed Forces of the United States of America or any Ameri-

can citizen who served in the armed forces of an allied nation of the United States at any time after September 15, 1940, and before May 8, 1975, is eligible for regular membership in AMVETS, provided such service when terminated by discharge or release from active duty be by honorable discharge or separation. No person who is a member of, or who advocates the principles of, any organization believing in, or working for, the overthrow of the United States Government by force, and no person who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member of this organization.

(As amended Aug. 15, 1977, Pub. L. 95-98, § 1(b)(2), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95-98 substituted "at any time after September 15, 1940, and before May 8, 1975," for "on or after September 16, 1940, and on or before the date of cessation of hostilities as determined by the Government of the United States,".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-98 effective Oct. 1, 1977, see section 2 of Pub. L. 95-98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

§ 67g. Omitted

CODIFICATION

Pub. L. 95-98, § 1(a), Aug. 15, 1977, 91 Stat. 830, directed that "AMVETS (American Veterans of World War II, Korea, and Vietnam)" be substituted for "AMVETS (American Veterans of World War II)" in the text of section 8 of act July 23, 1947, ch. 298, 61 Stat. 407, which was formerly classified to this section. Execution of such amendment to that text would have been inappropriate since the organization name was used in the text of the section in the context of a historical reference to the name of the predecessor unincorporated association as that association existed at the time of the enactment of act July 23, 1947, at which time the association was named "AMVETS (American Veterans of World War II)". In any case any purported amendment of section 8 of act July 23, 1947, has been rendered academic in view of the omission from the Code of this section as executed.

§ 67h. Use of assets on dissolution or liquidation

In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of disabled veterans of World War II, the Korean conflict and the Vietnam era.

(As amended Aug. 15, 1977, Pub. L. 95-98, § 1(b)(3), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95-98 inserted ", the Korean conflict and the Vietnam era" following "World War II".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-98 effective Oct. 1, 1977, see section 2 of Pub. L. 95-98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

§ 67p. Exclusive right to name, seals, emblems, and badges

The corporation and its State, regional, and local subdivisions shall have the sole and exclusive right to have and use in carrying out its purposes the name AMVETS (American Veterans of World War II, Korea, and Vietnam), and such seals, emblems, and badges as the corporation may lawfully adopt.

(As amended Aug. 15, 1977, Pub. L. 95-98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95-98 substituted "World War II, Korea, and Vietnam)" for "World War II)".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-98 effective Oct. 1, 1977, see section 2 of Pub. L. 95-98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

§ 67q. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred AMVETS (American Veterans of World War II, Korea, and Vietnam) shall serve notice on the secretary of state, in each State, of the name and address of an authorized agent in such State upon whom legal process or demands against this corporation may be served.

(As amended Aug. 15, 1977, Pub. L. 95-98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95-98 substituted "World War II, Korea, and Vietnam)" for "World War II)".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-98 effective Oct. 1, 1977, see section 2 of Pub. L. 95-98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

§ 67r. Grant and accrual of rights of other national veterans' organizations

Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are granted and accrue to AMVETS (American Veterans of World War II, Korea, and Vietnam).

(As amended Aug. 15, 1977, Pub. L. 95-98, § 1(a), 91 Stat. 830.)

AMENDMENTS

1977—Pub. L. 95-98 substituted "World War II, Korea, and Vietnam)" for "World War II)".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-98 effective Oct. 1, 1977, see section 2 of Pub. L. 95-98, set out as an Effective Date of 1977 Amendment note under section 67 of this title.

CHAPTER 8—AMERICAN BATTLE MONUMENTS COMMISSION

§ 121. American Battle Monuments Commission; appointment; secretary; terms of office; vacancies; expenses; designation of Armed Forces personnel to assist

[See main edition for text of first two pars.]

Upon the request of the Commission, the heads of the Federal departments or agencies are authorized to designate such personnel, and to make available to the Commission such facilities, of their respective departments or agencies, or of the Army, Navy, Air Force, or Marine Corps, as the case may be, as may be necessary to assist in carrying out the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title, and may expend for such purposes any funds appropriated to such departments, agencies, and services, with reimbursement from the Commission for the pay and allowances of the personnel so designated. The Commission is authorized to employ such further personnel as may be necessary to carry out the purposes of such sections, within the limits of any appropriation or appropriations made for such purposes. No individual may be employed as the superintendent, or as an assistant superintendent, of a cemetery operated by the Commission unless such individual is a citizen of the United States.

[See main edition for text of last par.]

(As amended Oct. 18, 1978, Pub. L. 95-479, title III, § 306, 92 Stat. 1566.)

AMENDMENTS

1978—Pub. L. 95-479 added provision prohibiting the employment of an individual as superintendent or assistant superintendent of a cemetary unless such individual is a citizen of the United States.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401 of Pub. L. 95-479, set out as an Effective Date of 1978 Amendment note under section 314 of Title 38, Veterans' Benefits.

§§ 121b to 122a

REPEALED

Pub. L. 95-392, title II, § 201, Sept. 30, 1978, 92 Stat. 795.

Pub. L. 95-119, title II, § 201, Oct. 4, 1977, 91 Stat. 1077.

CHAPTER 9—NATIONAL OBSERVANCES

PROCLAMATION NO. 4492

Proc. No. 4492, Mar. 22, 1977, 42 F.R. 15889, set out as a note preceding section 141 of this title, which related to Armed Forces Day, was superseded by Proc. No. 4571, May 15, 1978, 43 FR 21313, set out as a note below.

PROC. NO. 4571. ARMED FORCES DAY

Proc. No. 4571, May 15, 1978, 43 F.R. 21313, provided:

The men and women of the Army, Navy, Air Force, Marine Corps and Coast Guard serve their country with pride and dignity. Each day we enjoy peace is a reminder of their important role.

It is with equal pride that we Americans set aside one day each year to pay tribute to these patriotic volunteers, stationed throughout the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States and Commander-in-Chief of the Armed Forces of the United States, continuing the precedent of my six immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

I call upon my fellow Americans not only to display the flag of the United States at their homes on Armed Forces Day, but also to learn about our system of defense, and about the men and women who sustain it, by attending and participating in the local observances of the day.

Proclamation 4492 of March 22, 1977, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and second.

JIMMY CARTER.

CHAPTER 17—UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I—CORPORATION

Sec.
371. Corporation created; principal offices; meetings.
372. Completion of organization.
373. Definitions.
374. Objects and purposes of Corporation.
375. Powers of Corporation; amendment of constitution.
376. Membership; establishment and maintenance of reasonable representation provisions in constitution and bylaws.
377. Nonpolitical nature of Corporation.
378. Prohibition against issuance of stock or business activities.
379. Acquisition of assets and liabilities of existing association.
380. Use of Olympic symbols, emblems, trademarks and names.
(a) Unauthorized use; civil action; lawful use prior to September 21, 1950.
(b) Contributors and suppliers.
(c) Exclusive right of Corporation.
381. Agents for service of process.
382. Reservation of right to amend or repeal chapter.
382a. Reports to President and Congress on operations; reports to Speaker of House and President of Senate on authorized grants [New].
382b. Resolution of disputes [New].
383. Change in name of United States Olympic Association.
384. Grants to Corporation [New].
(a) Authorization; development of amateur athletics in United States.
(b) Report to Congress.
(c) Application for funds; access to books, documents, etc.
(d) Authorization of appropriations.

SUBCHAPTER II—NATIONAL GOVERNING BODIES [NEW]

Sec.
391. Recognition of amateur sports organizations.
(a) National governing body; application; notice and hearing.
(b) Eligibility requirements.
(c) Period within which to comply with eligibility requirements; suspension or revocation of recognition.
(d) Recommendation of national governing body as United States representative to appropriate international sport federation.
392. Duties of national governing bodies.
393. Authority of national governing bodies.
394. Review.
395. Compelling compliance with eligibility requirements and performance of duties by national governing bodies.
(a) Written complaint; exhaustion of remedies requirement; hearing; determination by Corporation; probation; revocation of recognition.
(b) Replacement of incumbent national governing body.
(c) Arbitration of Corporation determinations.
396. Jurisdiction of restricted amateur athletic competitions; national governing body sanction for international amateur athletic competitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 384 of this title.

SUBCHAPTER I—CORPORATION

§ 371. Corporation created; principal offices; meetings

The following persons, to wit:

Avery Brundage, New York City, New York; Kenneth L. Wilson, Chicago, Illinois; Asa S. Bushnell, Princeton, New Jersey; Owen V. Van Camp, Chicago, Illinois; Gustavus T. Kirby, Bedford Hills, New York; John T. McGovern, New York City, New York; J. Lyman Bingham, Chicago, Illinois; Daniel J. Ferris, New York City, New York; Thomas J. Hamilton, Pittsburgh, Pennsylvania; Thomas W. Herren, Washington, District of Columbia; Willis O. Hunter, Los Angeles, California; Jeremiah T. Mahoney, New York City, New York; T. Nelson Metcalf, Chicago, Illinois; Charles L. Ornstein, New York City, New York; James A. Rhodes, Columbus, Ohio; Albert Sigal, Atherton, California; H. Jamison Swarts, Philadelphia, Pennsylvania; Albert F. Wheltle, Baltimore, Maryland; Robert A. Fetzer, Chapel Hill, North Carolina; Karl E. Leib, Iowa City, Iowa; Frank G. McCormick, Minneapolis, Minnesota; Alfred R. Masters, Stanford University, California; E. L. Romney, Salt Lake City, Utah; E. Joseph Aronoff, Washington, District of Columbia; Richard E. Cross, Detroit, Michigan; Charles L. Diehm, New York City, New York; Ralph Furey, New York City, New York; Harry D. Henshel, New York City, New York; John B. Kelly, Senior, Philadelphia, Pennsylvania; Richard C. Larkins, Columbus, Ohio; Fred C. Matthaei, Detroit, Michigan; Colonel Frederick R. Weber, West Point, New York; Hugh C. Willett, Los Angeles, California; Lawrence J. Johnson, Boston, Massachusetts; Patrick J. Kelly, New York City, New York; R. Max Ritter, Jenkintown, Pennsylvania; Fred L. Steers, Chicago, Illinois; Williard N. Greim, Denver, Colorado; General Douglas MacArthur, Tokyo, Japan; Joseph E. Raycroft, Princeton, New Jersey; Frederick W. Rubien, Manhasset, New York; John J. Raskob, New York City, New York; Frank P. Callahan, Schenectady, New York; William S. Haddock, Pittsburgh, Pennsylvania; J. W. Mitchell, Little Rock, Arkansas; William F. Bailey, High Point, North Carolina; Herman J. Fischer, Chicago, Illinois; R. J. H. Kiphuth, New Haven, Connecticut; Edward Rosenblum, Washington, District of Columbia; Ben York, West Palm Beach, Florida; Seymour Leiberman, Houston, Texas; Paul Jordan, Indianapolis, Indiana; Mrs. Lillian Y. Whiting, Des Moines, Iowa; A. Wood Hardin, New Albany, Indiana; Douglas F. Roby, Detroit, Michigan; Marion H. Miller, Kansas City, Missouri; Edwin F. Schaefer, Buffalo, New York; James A. Lee, Cleveland, Ohio; Robert C. Greenwade, Blackwell, Oklahoma; Charles Gevecker, St. Louis, Missouri; Roscoe C. Torrance, Seattle, Washington; Louis G. Wilke, Denver, Colorado; Doctor Barry J. Barrodale, Houma, Louisiana; Larry Houston, Los Angeles, California; C. W. Striet, Junior, Birmingham, Alabama; Norton G. Pritchett, Charlottesville, Virginia; Dernell Every, New York City, New York; Vaughn S. Blanchard, Detroit, Michigan; Major General Guy V. Henry, Chevy Chase, Maryland; George Edwards, Columbia, Missouri; John J. Fox, Larchmont, New York; Harold R. Gilbert, State College, Pennsylvania; Frank Small, Bayside, Long Island, New York; Colonel John T. Cole, Bell Haven, Alexandria, Virginia; Miguel de Capriles, Pleasantville, New York; Alexis Thompson, New York City, New York; Henry M. Beatty, Cleveland, Ohio; Roy E. Moore, New York City, New York; Mrs. Roberta Bonniwell, Philadelphia, Pennsylvania; Harry Hainsworth, Buffalo, New York; Major General William C. Rose, Washington, District of Columbia; Major General M. A. Edson, Montpelier, Vermont; Clifford Goes, New York City, New York; Joseph J. Barriskill, New York City, New York; Senator Peter J. Miller, Chicago, Illinois; Charles O. Roeser, Lansdowne, Pennsylvania; Mrs. Elsie Veits Jennings, New York City, New York; William C. Ackerman, Los Angeles, California; Robert J. Kane, Ithaca, New York; Mrs. Irvin Van Blarcom, Wichita, Kansas; Jay Ehret Mahoney, New York City, New York; John Terpak, York, Pennsylvania; Eric F. Pohl, San Antonio, Texas; Thomas F. Lennon, New York City, New York; Dietrich Wortmann, New York City, New York; Reaves E. Peters, Kansas City, Missouri; John M. Harmon, Boston, Massachusetts; George E. Little, New Brunswick, New Jersey; Arthur E. Eilers, St. Louis, Missouri; James H. Stewart, Dallas, Texas; Harry N. Keighley, Evanston, Illinois; Doctor G. Randolph Manning, New York City, New York; Harold T. Friermood, New York City, New York; Earl R. Yeomans, Philadelphia, Pennsylvania; and their associates and successors, are created a body corporate by the name of "United States Olympic Committee" (hereinafter referred to as the "Corporation"). The Corporation shall maintain its principal offices

and national headquarters in such place in the United States as is determined by the Corporation, and may hold its annual and special meetings in such places as the Corporation shall determine.

(Sept. 21, 1950, ch. 975, title I, § 101, formerly § 1, 64 Stat. 899, amended Aug. 10, 1964, Pub. L. 88-407, 78 Stat. 383, renumbered and amended Nov. 8, 1978, Pub. L. 95-606, § 1(a), 92 Stat. 3045.)

AMENDMENTS

1978—Pub. L. 95-606 substituted "Corporation" for "corporation", "such place in the United States as is determined by the Corporation" for "the city of Washington, District of Columbia" and "the Corporation" for "the said incorporators".

CHANGE OF NAME

"United States Olympic Committee" was substituted for "United States Olympic Association" on authority of Pub. L. 88-407, which is set out as section 383 of this title.

SHORT TITLE OF 1978 AMENDMENT

Provision preceding section 1 of Pub. L. 95-606 provided: "That this Act [enacting sections 372 to 382b and 391 to 396 of this title, amending this section, and repealing former sections 372 to 382 of this title] may be cited as the 'Amateur Sports Act of 1978'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 372 of this title.

§ 372. Completion of organization

A majority of the persons named in section 371 of this title, or their successors, are hereby authorized to meet to complete the organization of the Corporation by the adoption of a constitution and bylaws, the election of officers, and by doing all things necessary to carry into effect the provisions of this chapter.

(Sept. 21, 1950, ch. 975, title I, § 102, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3045.)

PRIOR PROVISIONS

A prior section 372, act Sept. 21, 1950, ch. 975, § 2, 64 Stat. 900, which related to the procedure for the completion of the organization of the corporation, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045.

§ 373. Definitions

As used in this chapter, the term—

(1) "amateur athlete" means any athlete who meets the eligibility standards established by the national governing body for the sport in which the athlete competes;

(2) "amateur athletic competition" means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete;

(3) "amateur sports organization" means a not-for-profit corporation, club, federation, union, association, or other group organized in the United States which sponsors or arranges any amateur athletic competition;

(4) "Corporation" means the United States Olympic Committee;

(5) "international amateur athletic competition" means any amateur athletic competition between any athlete or athletes representing the United States, either individually or as part of a team, and any athletic or athletes representing any foreign country;

(6) "national governing body" means an amateur sports organization which is recognized by the Corporation in accordance with section 391 of this title; and

(7) "sanction" means a certificate of approval issued by a national governing body.

(Sept. 21, 1950, ch. 975, title I, § 103, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3045.)

PRIOR PROVISIONS

A prior section 373, act Sept. 21, 1950, ch. 975, § 3, 64 Stat. 900, which related to the objects and purposes of the corporation, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 374 of this title.

§ 374. Objects and purposes of Corporation

The objects and purposes of the Corporation shall be to—

(1) establish national goals for amateur athletic activities and encourage the attainment of those goals;

(2) coordinate and develop amateur athletic activity in the United States directly relating to international amateur athletic competition, so as to foster productive working relationships among sports-related organizations;

(3) exercise exclusive jurisdiction, either directly or through its constituent members of committees, over all matters pertaining to the participation of the United States in the Olympic Games and in the Pan-American Games, including the representation of the United States in such games, and over the organization of the Olympic Games and the Pan-American Games when held in the United States;

(4) obtain for the United States, either directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each competition and event of the Olympic Games and of the Pan-American Games;

(5) promote and support amateur athletic activities involving the United States and foreign nations;

(6) promote and encourage physical fitness and public participation in amateur athletic activities;

(7) assist organizations and persons concerned with sports in the development of amateur athletic programs for amateur athletes;

(8) provide for the swift resolution of conflicts and disputes involving amateur athletes, national governing bodies, and amateur sports organizations, and protect the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition;

(9) foster the development of amateur athletic facilities for use by amateur athletes and assist in making existing amateur athletic facilities available for use by amateur athletes;

(10) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis;

(11) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety;

(12) encourage and provide assistance to amateur athletic activities for women;

(13) encourage and provide assistance to amateur athletic programs and competition for handicapped individuals, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals; and

(14) encourage and provide assistance to amateur athletes of racial and ethnic minorities for the purpose of eliciting the participation of such minorities in amateur athletic activities in which they are underrepresented.

(Sept. 21, 1950, ch. 975, title I, § 104, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3046.)

PRIOR PROVISIONS

A prior section 374, act Sept. 21, 1950, ch. 975, § 4, 64 Stat. 900, which related to the powers of the corporation, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 375 of this title.

Provisions similar to those appearing in this section were formerly contained in section 373 prior to enactment of Pub. L. 95-606.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 384 of this title.

§ 375. Powers of Corporation; amendment of constitution

(a) The Corporation shall have perpetual succession and power to—

(1) serve as the coordinating body for amateur athletic activity in the United States directly relating to international amateur athletic competition;

(2) represent the United States as its national Olympic committee in relations with the International Olympic Committee and the Pan-American Sports Organization;

(3) organize, finance, and control the representation of the United States in the competitions and events of the Olympic Games and of the Pan-American Games, and obtain, either directly or by delegation to the appropriate national governing body, amateur representation for such games;

(4) recognize eligible amateur sports organizations as national governing bodies for any sport which is included on the program of the Olympic Games or the Pan-American Games;

(5) facilitate, through orderly and effective administrative procedures, the resolution of conflicts or disputes which involve any of its members and any amateur athlete, coach, trainer, manager, administrator, official, national governing body, or amateur sports organization and which arise in connection with their eligibility for and participation in the Olympic Games, the Pan-American world championship competition, or other protected competition as defined in the constitution and bylaws of the Corporation;

(6) sue and be sued;

(7) make contracts;

(8) acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;

(9) accept gifts, legacies, and devices in furtherance of its corporate purposes;

(10) borrow money to carry out its corporate purposes, issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage, subject in each case to the laws of the United States or of any State;

(11) provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of the Corporation;

(12) approve and revoke membership in the Corporation;

(13) adopt and alter a corporate seal;

(14) establish and maintain offices for the conduct of the affairs of the Corporation;

(15) publish a newspaper, magazine, or other publication consistent with its corporate purposes; and

(16) do any and all acts and things necessary and proper to carry out the purposes of the Corporation.

(b) The Corporation shall adopt and may amend a constitution and bylaws not inconsistent with the laws of the United States or of any State, except that the Corporation may amend its constitution only if it—

(1) publishes in its principal publication a general notice of the proposed alteration of the constitution, including the substantive terms of the alteration, the time and place of the Corporation's regular meeting at which the alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized in paragraph (2); and

(2) gives to all interested persons, prior to the adoption of any amendment, an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of at least 60 days after the date of publication of the notice.

(Sept. 21, 1950, ch. 975, title I, § 105, as added Nov. 8, 1978 Pub. L. 95-606, § 1(b), 92 Stat. 3047.)

PRIOR PROVISIONS

A prior section 375, act Sept. 21, 1950, ch. 975, § 5, 64 Stat. 901, which related to membership in the corporation, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 376 of this title.

Provisions similar to those appearing in this section were formerly contained in section 374 prior to enactment of Pub. L. 95-606.

§ 376. Membership; establishment and maintenance of reasonable representation provisions in constitution and bylaws

(a) Eligibility for membership in the Corporation shall be determined in accordance with the constitution and bylaws of the Corporation.

(b) In its constitution and bylaws, the Corporation shall establish and maintain provisions with respect to its governance and the conduct of its affairs for reasonable representation of—

(1) amateur sports organizations recognized as national governing bodies in accordance with section 391 of this title;

(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years;

(3) amateur sports organizations which conduct a national program or regular national amateur athletic competition in two or more sports which are included on the program of the Olympic Games or the Pan-American Games on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition; and

(4) individuals not affiliated or associated with any amateur sports organization who in the Corporation's judgment represent the interests of the American public in the activities of the Corporation.

(Sept. 21, 1950, ch. 975, title I, § 106, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 376, act Sept. 21, 1950, ch. 975, § 6, 64 Stat. 901, which related to the nonpolitical nature of the corporation, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 377 of this title.

Provisions similar to those appearing in this section were formerly contained in section 375 prior to enactment of Pub. L. 95-606.

§ 377. Nonpolitical nature of corporation

The Corporation shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

(Sept. 21, 1950, ch. 975, title I, § 107, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 377, act Sept. 21, 1950, ch. 975, § 7, 64 Stat. 901, which related to the prohibition against issuance of stock or business activities, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 378 of this title.

Provisions similar to those appearing in this section were formerly contained in section 376 prior to enactment of Pub. L. 95-606.

§ 378. Prohibition against issuance of stock or business activities

The Corporation shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

(Sept. 21, 1950, ch. 975, title I, § 108, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 378, act Sept. 21, 1950, ch. 975, § 8, 64 Stat. 901, which authorized the corporation to acquire the assets and liabilities of the unincorporated association known as the United States Olympic Association, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 379 of this title.

Provisions similar to those appearing in this section were formerly contained in section 377 prior to enactment of Pub. L. 95-606.

CROSS REFERENCES

Exemption from income tax of certain organizations, see section 501 of Title 26, Internal Revenue Code.

§ 379. Acquisition of assets and liabilities of existing association

The Corporation may acquire any or all of the assets of the existing unincorporated association, known as "The United States Olympic Association", upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such unincorporated association.

(Sept. 21, 1950, ch. 975, title I, § 109, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3048.)

PRIOR PROVISIONS

A prior section 379, act Sept. 21, 1950, ch. 975, § 9, 64 Stat. 901; Aug. 10, 1964, Pub. L. 88-407, 78 Stat. 383, which related to the penalty for fraudulent pretense of membership or use of insignia, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 380 of this title.

Provisions similar to those appearing in this section were formerly contained in section 378 prior to enactment of Pub. L. 95-606.

§ 380. Use of Olympic symbols, emblems, trademarks and names

(a) Unauthorized use; civil action; lawful use prior to September 21, 1950

Without the consent of the Corporation, any person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote any theatrical exhibition, athletic performance, or competition—

(1) the symbol of the International Olympic Committee, consisting of 5 interlocking rings;

(2) the emblem of the Corporation, consisting of an escutcheon having a blue chief and vertically extending red and white bars on the base with 5 interlocking rings displayed on the chief;

(3) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the International Olympic Committee or the Corporation; or

(4) the words "Olympic", "Olympiad", "Citius Altius Fortius", or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Corporation or any Olympic activity;

shall be subject to suit in a civil action by the Corporation for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; popularly known as the Trademark Act of 1946) [15 U.S.C. 1051 et seq.]. However, any person who actually used the emblem in subsection (a)(2) of this section, or the words, or any combination thereof, in subsection (a)(4) of this section for any lawful purpose prior to September 21, 1950, shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services. In addition, any person who actually used, or whose assignor actually used, any other trademark, trade name, sign, symbol, or insignia described in subsections (a)(3) and (4) of this section for any lawful purpose prior to September 21, 1950 shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(b) Contributors and suppliers

The Corporation may authorize contributors and suppliers of goods or services to use the trade name of the Corporation as well as any trademark, symbol, insignia, or emblem of the International Olympic Committee or of the Corporation in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Corporation or United States Olympic or Pan-American team or team members.

(c) Exclusive right of Corporation

The Corporation shall have exclusive right to use the name "United States Olympic Committee"; the symbol described in subsection (a)(1) of this section; the emblem described in subsection (a)(2) of this section; and the words "Olympic", "Olympiad", "Citius Altius Fortius" or any combination thereof subject to the preexisting rights described in subsection (a) of this section.

(Sept. 21, 1950, ch. 975, title I, § 110, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3048.)

REFERENCES IN TEXT

The Act of July 5, 1946 (60 Stat. 427; popularly known as the Trademark Act of 1946), referred to in subsec. (a), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§ 1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

PRIOR PROVISIONS

A prior section 380, act Sept. 21, 1950, ch. 975, § 10, 64 Stat. 902, which related to agents for service of process, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 381 of this title.

Provisions similar to those appearing in this section were formerly contained in section 379 prior to enactment of Pub. L. 95-606.

§ 381. Agents for service of process

As a condition precedent to the exercise of any power or privilege granted or conferred under this chapter, the Corporation shall file in the office of the secretary of state, or similar office, in each State the name and post-office address of an authorized agent of the Corporation in such State upon whom local process or demands against the Corporation may be served.

(Sept. 21, 1950, ch. 975, title I, § 111, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3049.)

PRIOR PROVISIONS

A prior section 381, act Sept. 21, 1950, ch. 975, § 11, 64 Stat. 902, which related to the reservation of right to amend or repeal act Sept. 21, 1950, ch. 975, 64 Stat. 899, which comprised this chapter, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 382 of this title.

Provisions similar to those appearing in this section were formerly contained in section 380 prior to enactment of Pub. L. 95-606.

FEDERAL RULES OF CIVIL PROCEDURE

Service of process upon agent of domestic or foreign corporation, see rule 4, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 382. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter at any time is hereby expressly reserved.

(Sept. 21, 1950, ch. 975, title I, § 112, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3049.)

PRIOR PROVISIONS

A prior section 382, act Sept. 21, 1950, ch. 975, § 12, 64 Stat. 902; Aug. 30, 1964, Pub. L. 88-504, § 4(16), 78 Stat. 637, which related to the transmission of reports to Congress, was repealed by Pub. L. 95-606, § 1(b), Nov. 8, 1978, 92 Stat. 3045. See section 382a of this title.

Provisions similar to those appearing in this section were formerly contained in section 381 prior to enactment of Pub. L. 95-606.

§ 382a. Reports to President and Congress on operations; reports to Speaker of House and President of Senate on authorized grants

(a) The Corporation shall, on or before the first day of June in each year, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding calendar year, including a full and complete statement of its receipts and expenditures and a comprehensive description of the activities and accomplishments of the Corporation during the preceding year. Copies of the report shall be made available by the Corporation to interested persons at a reasonable cost.

(b) The Corporation shall, on or before the first day of June in each year, transmit simultaneously to the Speaker of the House of Representatives and to the President of the Senate a detailed report of those grants authorized to the Corporation pursuant to the provisions of section 211 of the Act and a full and complete statement of the expenditures of such funds made available. The report shall be referred to the Committee on Appropriations of each House and shall include a detailed and comprehensive description of those programs which the Corporation anticipate it will finance during the next fiscal year out of such funds made available pursuant to the provisions of section 211 of the Act. The Corporation shall continue to transmit the report required under this subsection (b) until the total sums made available under section 211 of the Act have been expended.

(Sept. 21, 1950, ch. 975, title I, § 113, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3049.)

REFERENCES IN TEXT

Section 211 of the Act, referred to in subsec. (b), probably means section 210 of Senate Bill, S.2727, redesignated section 211 in Senate Report No. 95-770, which was originally proposed by the Senate as part of the legislation that was enacted as Pub. L. 95-606 but was omitted in the final version as enacted by Congress. Similar statutory provisions were enacted in

Pub. L. 95-482, § 113, Oct. 18, 1978, 92 Stat. 1605, which is classified to section 384 of this title.

PRIOR PROVISIONS

Provisions similar to those appearing in this section were formerly contained in section 382 prior to enactment of Pub. L. 95-606.

§ 382b. Resolution of disputes

In its constitution and bylaws, the Corporation shall establish and maintain provisions for the swift and equitable resolution of disputes involving any of its members and relating to the opportunity of an amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, the Pan-American Games, world championship competition, or other such protected competition as defined in such constitution and bylaws.

(Sept. 21, 1950, ch. 975, title I, § 114, as added Nov. 8, 1978, Pub. L. 95-606, § 1(b), 92 Stat. 3049.)

§ 383. Change in name of United States Olympic Association

The corporation known as the United States Olympic Association, which was incorporated by this chapter, shall be known and designated on and after August 10, 1964, as the United States Olympic Committee and any reference to such corporation under the name of the United States Olympic Association shall be held to refer to such corporation under and by the name of the United States Olympic Committee.

(Pub. L. 88-407, Aug. 10, 1964, 78 Stat. 383.)

CODIFICATION

Section was not enacted as part of act Sept. 21, 1950, ch. 975, which comprises this chapter.

§ 384. Grants to Corporation

(a) Authorization; development of amateur athletics in United States

The Secretary of Commerce (hereinafter in this section referred to as the "Secretary") is authorized to award grants to the United States Olympic Committee (hereinafter in this section referred to as "the Corporation") to assist in the development of amateur athletics in the United States. The Corporation may apply to the Secretary for funds available under this section, and shall use such funds consistent with the provisions of the Amateur Sports Act of 1978. The Secretary may approve any application which meets the requirements of this section, and award grants to the Corporation in a total sum not exceeding $16,000,000 to finance the construction, improvement, and maintenance of facilities for programs of amateur athletic activity and to defray direct operating costs of programs of amateur athletic activity, consistent with section 374 of this title.

(b) Report to Congress

The Corporation shall, on or before the first day of June of each year, transmit to the Congress a report which shall include a detailed accounting of the funds made available to the Corporation by the Secretary pursuant to subsection (a) of this section and a comprehensive description of those projects which the Corporation anticipates it will finance during the next fiscal year with funds authorized by this section.

(c) Application for funds; access to books, documents, etc.

Each application for funds available under this section shall be in such form as the Secretary shall provide and shall contain provisions to assure that such funds are disbursed in accordance with the provisions of this section. For the purpose of review or audit, the Secretary shall have access to any books, documents, papers, and records which are relevant to any grant received under this section.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary not to exceed $16,000,000 in fiscal year 1980, such sums to remain available until expended.

(Pub. L. 95-482, § 113, Oct. 18, 1978, 92 Stat. 1605.)

REFERENCES IN TEXT

The Amateur Sports Act of 1978, referred to in subsec. (a), is Pub. L. 95-606, Nov. 8, 1978, 92 Stat. 3045, which enacted sections 372 to 382b and 391 to 396 of this title, amended section 371 of this title, repealed former sections 372 to 382 of this title, and enacted a provision set out as a note under section 371 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 371 of this title and Tables.

CODIFICATION

Section was not enacted as part of act Sept. 21, 1950, ch. 975, which comprises this chapter.

SUBCHAPTER II—NATIONAL GOVERNING BODIES [NEW]

§ 391. Recognition of amateur sports organizations

(a) National governing body; application; notice and hearing

For any sport which is included on the program of the Olympic Games or the Pan-American Games, the Corporation is authorized to recognize as a national governing body an amateur sports organization which files an application and is eligible for such recognition, in accordance with the provisions of subsection (b) of this section. The Corporation shall recognize only one national governing body for each sport for which an application is made and approved. Prior to the recognition of a national governing body under the authority granted under this subchapter and in accordance with the procedures and requirements of this section, the Corporation shall hold a hearing open to the public on the application for such recognition. The Corporation shall publish notice of the time, place, and nature of the hearing. Publication shall be made in a regular issue of the Corporation's principal publication at least 30 days, but not more than 60 days, prior to the date of the hearing.

(b) Eligibility requirements

No amateur sports organization is eligible to be recognized or is eligible to continue to be

recognized as a national governing body unless it—

(1) is incorporated under the laws of any of the several States of the United States or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition, and has the managerial and financial capability to plan and execute its obligations;

(2) submits an application for recognition, in such form as the Corporation shall require, as a national governing body and, upon application, submits a copy of its corporate charter and bylaws and any additional information as is considered necessary or appropriate by the Corporation;

(3) agrees to submit, upon demand of the Corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving its recognition as a national governing body, as provided for in section 395 of this title, or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, as provided for in the Corporation's constitution and bylaws;

(4) demonstrates that it is autonomous in the governance of its sport, in that it independently determines and controls all matters central to such governance, does not delegate such determination and control, and is free from outside restraint, and demonstrates that it is a member of no more than one international sports federation which governs a sport included on the program of the Olympic Games or the Pan-American Games;

(5) demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which recognition is sought, or to any amateur sports organization which conducts programs in the sport for which recognition is sought, or to both;

(6) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, age, sex, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring such individual ineligible to participate;

(7) is governed by a board of directors or other such governing board whose members are selected without regard to race, color, religion, national origin or sex, except that, in sports where there are separate male and female programs, it provides for reasonable representation of both males and females on such board of directors or other such governing board;

(8) demonstrates that its board of directors or other such governing board includes among its voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition in the sport for which recognition is sought within the preceding 10 years, and that the membership and voting power held by such individuals is not less than 20 percent of such membership and voting power held in that board of directors or other such governing board;

(9) provides for reasonable direct representation on its board of directors or other such governing board for any amateur sports organization which, in the sport for which recognition is sought, conducts, on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition, a national program or regular national amateur athletic competition, and ensures that such representation shall reflect the nature, scope, quality, and strength of the programs and competitions of such amateur sports organization in relation to all other such programs and competitions in such sport in the United States;

(10) demonstrates that none of its officers are also officers of any other amateur sports organization which is recognized as a national governing body;

(11) provides procedures for the prompt and equitable resolution of grievances of its members;

(12) does not have eligibility criteria relating to amateur status which are more restrictive than those of the appropriate international sports federation; and

(13) demonstrates, if it is an amateur sports organization seeking recognition as a national governing body, that it is prepared to meet the obligations imposed on a national governing body under section 392 of this title.

(c) Period within which to comply with eligibility requirements; suspension or revocation of recognition

(1) Except as provided in paragraph (2), any amateur sports organization which on November 8, 1978, is recognized by the Corporation to represent a particular sport shall be considered to be the national governing body for that sport. Such an organization is exempt for a period of 2 years from November 8, 1978, from meeting the requirements of subsection (b) of this section, and during the 2-year period shall take the necessary actions to meet such requirements if it desires to retain its recognition. After the expiration of the 2-year period, such an organization shall continue as the national governing body for that sport unless the Corporation determines that such organization is not in compliance with the requirements of subsection (b) of this section, in which event the Corporation shall—

(A) suspend the recognition of such national governing body;

(B) revoke the recognition of such national governing body; or

(C) extend the 2-year period for not longer than 1 year, if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs ad-

ditional time to comply with such requirements.

If, at the end of the extension period referred to in subparagraph (C) of this paragraph, the national governing body has not complied with such requirements, the Corporation shall revoke the recognition of such national governing body. Any such national governing body aggrieved by the Corporation's determination under this subsection may submit a demand for arbitration in accordance with section 395(c) of this title.

(2) Notwithstanding the provisions of paragraph (1), the Corporation may suspend or revoke the recognition of a national governing body during the 2-year period if such suspension or revocation is for the same reason as the Corporation could have revoked or suspended such national governing body prior to November 8, 1978.

(d) Recommendation of national governing body as United States representative to appropriate international sport federation

Within 61 days after recognizing an amateur sports organization as a national governing body, in accordance with subsection (a) of this section, the Corporation shall recommend and support in any appropriate manner such national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(Sept. 21, 1950, ch. 975, title II, § 201, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3050.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 373, 376, 395 of this title.

§ 392. Duties of national governing bodies

(a) For the sport which it governs, a national governing body is under duty to—

(1) develop interest and participation throughout the United States and be responsible to the persons and amateur sports organizations it represents;

(2) minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;

(3) keep amateur athletes informed of policy matters and reasonably reflect the views of such athletes in its policy decisions;

(4) promptly review every request submitted by an amateur sports organization or person for a sanction (A) to hold an international amateur athletic competition in the United States; or (B) to sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, and determine whether to grant such sanction, in accordance with the provisions of subsection (b) of this section;

(5) allow an amateur athlete to compete in any international amateur athletic competition conducted under its auspices or that of any other amateur sports organization or person, unless it establishes that its denial was based on evidence that the organization or person conducting the competition did not meet the requirements stated in subsection (b) of this section;

(6) provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;

(7) encourage and support amateur athletic sports programs for handicapped individuals and the participation of handicapped individuals in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals;

(8) provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and

(9) encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

(b) As a result of its review under subsection (a)(4) of this section, if a national governing body does not determine by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport, the national governing body shall promptly grant to an amateur sports organization or person a sanction to—

(1) hold an international amateur athletic competition in the United States, if such amateur sports organization or person—

(A) pays to the national governing body any required sanctioning fee, if such fee is reasonable and nondiscriminatory;

(B) demonstrates that—

(i) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

(ii) appropriate provision has been made for validation of records which may be established during the competition,

(iii) due regard has been given to any international amateur athletic requirements specifically applicable to the competition,

(iv) the competition will be conducted by qualified officials,

(v) proper medical supervision will be provided for athletes who will participate in the competition, and

(vi) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition, and

(C) submits to the national governing body an audited or notarized financial report of similar events, if any, conducted by the amateur sports organization or person; or

(2) sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, if such amateur sports organization or person—

(A) pays to the national governing body any required sanctioning fee, if such fee is reasonable and nondiscriminatory;

(B) submits a letter from the appropriate entity which will hold the international

amateur athletic competition certifying that—

(i) appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

(ii) appropriate provision has been made for validation of records which may be established during the competition,

(iii) due regard has been given to any international amateur athletic requirements specifically applicable to the competition,

(iv) the competition will be conducted by qualified officials,

(v) proper medical supervision will be provided for athletes who will participate in the competition, and

(vi) proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition; and

(C) submits a report of the most recent trip, if any, to a foreign country which the amateur sports organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition.

(Sept. 21, 1950, ch. 975, title II, § 202, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3052.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391, 395 of this title.

§ 393. Authority of national governing bodies

For the sport which it governs, a national governing body is authorized to—

(1) represent the United States in the appropriate international sports federation;

(2) establish national goals and encourage the attainment of those goals;

(3) serve as the coordinating body for amateur athletic activity in the United States;

(4) exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;

(5) conduct amateur athletic competition, including national championships, and international amateur athletic competition in the United States, and establish procedures for the determination of eligiblity standards for participation in such competitions, except for that amateur athletic competition specified in section 396 of this title;

(6) recommend to the Corporation individuals and teams to represent the United States in the Olympic Games and the Pan-American Games; and

(7) designate individuals and teams to represent the United States in international amateur athletic competition (other than the Olympic Games and the Pan-American Games) and certify, in accordance with applicable international rules, the amateur eligibility of such individuals and teams.

(Sept. 21, 1950, ch. 975, title II, § 203, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3054.)

§ 394. Review

The Corporation may review all matters relating to the continued recognition of a national governing body and may take such action as it considers appropriate, including, but not limited to, placing conditions upon the continued recognition of the national governing body.

(Sept. 21, 1950, ch. 975, title II, § 204, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3055.)

§ 395. Compelling compliance with eligibility requirements and performance of duties by national governing bodies

(a) Written complaint; exhaustion of remedies requirement; hearing; determination by Corporation; probation; revocation of recognition

(1) Any amateur sports organization or person which belongs to or is eligible to belong to a national governing body may seek to compel such national governing body to comply with the requirements of sections 391(b) and 392 of this title by filing a written complaint with the Corporation. Such organization or person may take such action only after having exhausted all available remedies within such national governing body for correcting deficiencies, unless it can be shown by clear and convincing evidence that those remedies would have resulted in unnecessary delay. The Corporation shall establish procedures for the filing and disposition of complaints received under this subsection. A copy of the complaint shall also be served on the applicable national governing body.

(2) Within 30 days after the filing of the complaint, the Corporation shall determine whether the organization has exhausted its remedies within the applicable national governing body, as provided in paragraph (1) of this subsection. If the Corporation determines that any such remedies have not been exhausted, it may direct that such remedies be pursued before the Corporation will further consider the complaint.

(3)(A) Within 90 days after the filing of a complaint under paragraph (1) of this subsection, if the Corporation determines that all such remedies have been exhausted, it shall hold a hearing to receive testimony for the purpose of determining if such national governing body is in compliance with the requirements of sections 391(b) and 392 of this title.

(B) If the Corporation determines, as a result of the hearings conducted pursuant to this subsection, that such national governing body is in compliance with the requirements of sections 391(b) and 392 of this title, it shall so notify the complainant and such national governing body.

(C) If the Corporation determines, as a result of hearings conducted pursuant to this subsection, that such national governing body is not in compliance with the requirements of sections 391(b) and 392 of this title, it shall—

(i) place such national governing body on probation for a specified period of time, not to exceed 180 days, which it considers necessary to enable such national governing body to comply with such requirements, or

(ii) revoke the recognition of such national governing body.

(D) If the Corporation places a national governing body on probation pursuant to this paragraph, it may extend the probationary period if the national governing body has proven by clear and convincing evidence that, through no fault of its own, it needs additional time to comply with such requirements. If, at the end of the period allowed by the Corporation, the national governing body has not complied with such requirements, the Corporation shall revoke the recognition of such national governing body.

(b) Replacement of incumbent national governing body

(b)(1) Any amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing with the Corporation a written application for such recognition. Such application shall be filed (A) within the 1-year period after the final day of any Olympic Games, in the case of a sport for which competition is held in the Olympic Games or in both the Olympic and Pan-American Games; or (B) within the 1-year period after the final day of any Pan-American Games, in the case of a sport for which competition is held in the Pan-American Games and not in the Olympic Games. If two or more organizations file applications for the same sport, such applications shall be considered in a single proceeding.

(2) Any application filed under this subsection shall be filed with the Corporation by registered mail. The Corporation shall establish procedures for the filing and disposition of application received under this subsection. A copy of any such application for recognition shall also be served on the applicable national governing body. The Corporation shall inform the applicant for recognition that its application has been received.

(3) Within 180 days after receipt of an application filed under this subsection, the Corporation shall conduct a formal hearing to determine the merits of the application. The Corporation shall publish notice of the time and place of such hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, prior to the date of the hearing. In the course of such hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their respective positions. During such hearing, the applicant amateur sports organization must establish by a preponderance of the evidence that it meets the criteria for recognition as a national governing body under section 391(b) of this title, and that—

(A) the national governing body does not meet the criteria of section 391(b) or 392 of this title; or

(B) it more adequately meets the criteria of section 391(b) of this title, is capable of more adequately meeting the criteria of section 392 of this title, and provides or is capable of providing a more effective national program of competition, than the national governing body in the sport for which it seeks recognition.

(4) Within 30 days of the close of the hearing required under this subsection, the Corporation shall—

(A) uphold the right of the national governing body to continue as the national governing body for its sport;

(B) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;

(C) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or

(D) decide to place the national governing body on probation of not to exceed 180 days, pending the compliance of the national governing body, if such national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 391(b) or 392 of this title.

If the national governing body does not comply within the prescribed time period, the Corporation shall revoke the recognition of the national governing body and either recognize the applicant as the national governing body, or declare a vacancy in the national governing body for that sport.

(5) Within 61 days after recognizing an amateur sports organization as a national governing body, in accordance with this subsection, the Corporation shall recommend and support in any appropriate manner such national governing body to the appropriate international sports federation as the representative of the United States for that sport.

(c) Arbitration of Corporation determinations

(c)(1) The right to review by any party aggrieved by a determination of the Corporation under the requirements of this section or section 391(c) of this title shall be to any regional office of the American Arbitration Association. Such demand for arbitration shall be submitted within 30 days of the determination of the Corporation. Upon receipt of such a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the Corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time of the filing of the demand, except that—

(A) the arbitration panel shall consist of not less than three arbitrators, unless the parties to the proceeding mutually agree to a lesser number;

(B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding mutually agree to the use of another site; and

(C) the arbitration hearing shall be open to the public.

(2) The arbitrators in any arbitration are empowered to settle any dispute arising under the provisions of this chapter prior to making a final award, if mutually agreed to by the parties to the proceeding and achieved in a manner not inconsistent with the constitution and bylaws of the Corporation.

(3) Each contesting party may be represented by counsel or by any other duly authorized representative at the arbitration proceeding. The parties may offer any evidence which they

desire and shall produce any additional evidence as the arbitrators believe necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary.

(4) All decisions by the arbitrators shall be by majority vote unless the concurrence of all is expressly required by the contesting parties.

(5) Final decision of the arbitrators shall be binding upon the involved parties, if such award is not inconsistent with the constitution and bylaws of the Corporation.

(6) The hearings may be reopened, by the arbitrators upon their own motion or upon the motion of any contesting party, at any time before a final decision is made, except that, if any contesting party makes such a motion, all parties to the decision must agree to reopen the hearings if such reopening would result in the arbitrators' decision being delayed beyond the specific period agreed upon at the beginning of the arbitration proceedings.

(Sept. 21, 1950, ch. 975, title II, § 205, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3055.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 391 of this title.

§ 396. Jurisdiction of restricted amateur athletic competitions; national governing body sanction for international amateur athletic competitions

Any amateur sports organization which conducts amateur athletic competition, participation in which is restricted to a specific class of amateur athletes (such as high school students, college students, members of the Armed Forces, or similar groups or categories), shall have exclusive jurisdiction over such competition. If such an amateur sports organization wishes to conduct international amateur athletic competition to be held in the United States, or sponsor international amateur athletic competition to be held outside the United States, it shall obtain a sanction from the appropriate national governing body.

(Sept. 21, 1950, ch. 975, title II, § 206, as added Nov. 8, 1978, Pub. L. 95-606, § 2, 92 Stat. 3058.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 393 of this title.

CHAPTER 36—BIG BROTHERS—BIG SISTERS OF AMERICA

§ 881. Corporation created; short title

(a) The following persons: Charles G. Berwind, Philadelphia, Pennsylvania; Mark Willcox, Junior, Philadelphia, Pennsylvania; Earle S. Thompson, New York, New York; Archie O. Dawson, New York, New York; Isadore A. Wyner, New York, New York; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Big Brothers—Big Sisters of America (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

(b) This chapter may be cited as the "Big Brothers—Big Sisters of America".

(As amended Pub. L. 95-167, § 1(a), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Pub. L. 95-167 designated existing provisions as subsec. (a) and, as so designated, substituted "Big Brothers—Big Sisters of America" for "Big Brothers of America" and added subsec. (b).

§ 883. Purposes of corporation

The purposes of the corporation shall be to aid and assist individuals throughout the United States of America in the solution of their social and economic problems, and assist in their health, educational and character development; to promote the use of the techniques of such assistance developed by the corporation, by other lay and professional agencies and workers, to receive, invest, and disburse funds and to hold property for the purposes of the corporation.

(As amended Pub. L. 95-167, § 1(b), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Pub. L. 95-167 substituted "individuals" for "boys" and struck out "and Canada" following "United States of America".

§ 885. Principal office; scope of activities; resident agent

(a) The principal office of the corporation shall be located in Philadelphia, Pennsylvania, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

[*See main edition for text of* (b)]

(As amended Pub. L. 95-167, § 1(c), Nov. 11, 1977, 91 Stat. 1347.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-167 struck out "and in Canada to the extent permitted by Canadian laws" following "possessions of the United States".

§ 887. Governing body

(a) Composition

Upon the enactment of this chapter the membership of the initial board of directors of the corporation shall consist of the present members of the board of directors of the Big Brothers of America, Incorporated, the corporation described in section 896(a) of this title, or such of them as may then be living and are qualified members of said board of directors, to wit:

[*See main edition for text of remaining pars. of* (a); (b) *and* (c)]

(As amended Pub. L. 95-167, § 1(d), Nov. 11, 1977, 91 Stat. 1347.)

REFERENCES IN TEXT

Section 896(a) of this title, referred to in subsec. (a), was omitted from the Code.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-167 substituted "section 896(a) of this title" for "section 896 of this title".

§ 895. Exclusive right to name, emblems, seals, and badges

The corporation and its subordinate divisions shall have the sole and exclusive right to use any of the following names: The Big Brothers of America; Big Sisters International, Incorporated; Big Sisters of America; Big Brothers; Big Sisters; Big Brothers—Big Sisters of America; and Big Sisters—Big Brothers. The corporation shall have the exclusive and sole right to use or to allow or refuse the use of such emblems, seals, and badges as have heretofore been used by the predecessor New York corporation, Big Brothers of America, Incorporated, described in section 896(a) of this title, and by the District of Columbia corporation, Big Sisters International, Incorporated, described in section 896(b) of this title, and the right to which may be transferred to the corporation.

(As amended Pub. L. 95-167, § 1(e), Nov. 11, 1977, 91 Stat. 1347.)

REFERENCES IN TEXT

Section 896(a) of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1977—Pub. L. 95-167 substituted "any of the following names: The Big Brothers of America; Big Sisters International, Incorporated; Big Sisters of America; Big Brothers; Big Sisters; Big Brothers—Big Sisters of America; and Big Sisters—Big Brothers" for "the name, The Big Brothers of America" and "section 896(a) of this title, and by the District of Columbia corporation, Big Sisters International, Incorporated, described in section 896(b) of this title," for "section 896 of this title".

§ 896. Acquisition of assets and liabilities of existing corporations

(a) Omitted

(b) The corporation may acquire the assets of Big Sisters International, Incorporated, a corporation organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the District of Columbia applicable thereto.

(Pub. L. 85-870, § 16, Sept. 2, 1958, 72 Stat. 1695, amend Pub. L. 95-167, § 1(f), Nov. 11, 1977, 91 Stat. 1347.)

CODIFICATION

Provisions of subsec. (a) of this section, which authorized the corporation to acquire the assets and liabilities of the corporation organized under the laws of the State of New York and known as the Big Brothers of America, Inc., was omitted from the Code as executed.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-167 added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 895 of this title.

CHAPTER 42—AUDITS OF FEDERALLY CHARTERED CORPORATIONS

§ 1101. Definition of private corporations established under Federal law

The term "private corporations established under Federal law" as used in this chapter means the following organizations:

[*See main edition for text of (1) to (10)*]

(11) Big Brothers—Big Sisters of America.

[*See main edition for text of (12) to (49)*]

(As amended Pub. L. 95-167, § 2, Nov. 11, 1977, 91 Stat. 1348.)

REFERENCES IN TEXT

AMVETS (American Veterans of World War II), referred to in par. (9), was changed to AMVETS (American Veterans of World War II, Korea, and Vietnam) by Pub. L. 95-98, Aug. 15, 1977, 91 Stat. 830.

AMENDMENTS

1977—Par. (11). Pub. L. 95-167 substituted "Big Brothers—Big Sisters of America" for "Big Brothers of America".

§ 1102. Audit of accounts; annual audit; independent audit; places of audit; availability of books, records, and other papers, things, or property; facilities for verification of transactions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1166, 1213 of this title.

§ 1103. Reports to Congress; time for submission; contents; scope of audit, financial statements, and auditor's opinion; public printing

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1166, 1213 of this title.

CHAPTER 44—UNITED STATES CAPITOL HISTORICAL SOCIETY [NEW]

Sec.

1201. Corporation created.
1202. Completion of organization.
1203. Objects and purposes of corporation.
1204. Powers of corporation.
1205. Principal office; territorial scope of activities; resident agent.
1206. Membership.
1207. Active board of trustees.
(a) Composition; chairman.
(b) Term of office; reelection.
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(d) Election and removal.
1208. Officers of the corporation.
(a) Authorized positions.
(b) Membership on the board; compensation.
(c) Election and term of office.
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(e) Executive secretary and other personnel; compensation; duties.
1209. Distribution of income or assets to members; loans.
1210. Liability for acts of officers and agents.
1211. Issuance of stock or payment of dividends prohibited.
1212. Books and records; inspection.

Sec.
1213. Audit of financial transactions.
1214. Use of assets upon dissolution or liquidation.
1215. Exclusive right to name, emblem, seals, and insignia.
1216. Acquisition of assets and liabilities of existing corporation.
1217. Annual report.
1218. Reservation of right to amend or repeal chapter.

§ 1201. Corporation created

The following persons:

Honorable Fred Schwengel, Washington, District of Columbia;

Honorable Marguerite Stitt Church, Evanston, Illinois;

Doctor Melvin M. Payne, Washington, District of Columbia;

Carl Haverlin, Northridge, California;

Doctor Walter Rundell, College Park, Maryland;

Victor M. Birely, Washington, District of Columbia;

Arthur B. Hanson, Esquire, Washington, District of Columbia;

Mrs. Adlai Stevenson III, Hanover, Illinois;

Mrs. Florian Thayn, Washington, District of Columbia;

and their successors are hereby created and declared to be a body corporate of the District of Columbia having the name "United States Capitol Historical Society" (hereinafter the [1] corporation"). The said corporation shall have perpetual existence and the powers, limitations, and restrictions herein contained.

(Pub. L. 95–493, § 1, Oct. 20, 1978, 92 Stat. 1643.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

§ 1202. Completion of organization

The persons named in section 1201 of this title are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this chapter, and the doing of such other acts as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95–493, § 2, Oct. 20, 1978, 92 Stat. 1643.)

§ 1203. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) to encourage in the most comprehensive and enlightened manner an understanding by the American people of the founding, growth, and significance of the Capitol of the United States of America as the tangible symbol of their representative form of government;

(b) to undertake research into the history of the Congress and the Capitol and to promote the discussion, publication, and dissemination of the results of such studies;

(c) to foster and increase an informed patriotism of the land in the study of this living memorial to the founders of this Nation and the continuing thread of principles as exemplified by their successors; and

(d) to mutually cooperate with the standing committees of the Congress, the Library of Congress, the Architect of the Capitol, and relevant departments and agencies of the executive branch of the Federal Government in furthering the objectives of the corporation.

(Pub. L. 95–493, § 3, Oct. 20, 1978, 92 Stat. 1643.)

§ 1204. Powers of corporation

The corporation shall have the power—

(a) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(b) to adopt, alter, and use a corporate seal;

(c) to choose officers, managers, and agents as the business of the corporation may require;

(d) to charge and collect membership dues;

(e) to adopt, amend, apply, and alter a constitution and bylaws not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(f) to contract and be contracted with;

(g) to take hold by lease, gift, purchase, grant, devise, bequest, or otherwise any property, real, personal, or mixed, necessary or convenient for attaining the objects of the corporation, subject, however, to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership or[1] real and personal property which may be held by, or (3) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(h) to transfer, lease, or convey real or personal property;

(i) to borrow money for the purposes of the corporation and issue bonds or other evidences of indebtedness therefor and secure the same mortgage or pledge subject to applicable Federal or State laws;

(j) to conduct campaigns for raising of funds and to accept contributions from individuals, corporations, and other bodies, foundations, and organizations;

(k) to print, to create and distribute commemorative medals, edit and publish, make, display, and sell books and magazines, pictures, slides, and cinemas, as may be necessary or desirable for the accomplishment of the purposes of the corporation;

(*l*) to buy, sell, and generally deal in appropriate and related souvenirs, commemorative medals, curios, momentos, and publications; and

(m) to do any and all acts necessary and proper to carry out the purposes of the corporation.

(Pub. L. 95–493, § 4, Oct. 20, 1978, 92 Stat. 1644.)

[1] So in original. There probably should be opening quotation marks preceding corporation.

[1] So in original. Probably should be "of".

§ 1205. Principal office; territorial scope of activities; resident agent

(a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent or mailed to the business address of such agent shall be deemed as service or notice upon the corporation.

(Pub. L. 95–493, § 5, Oct. 20, 1978, 92 Stat. 1644.)

§ 1206. Membership

Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this chapter, be determined as the constitution and bylaws of the corporation may provide.

(Pub. L. 95–493, § 6, Oct. 20, 1978, 92 Stat. 1645.)

§ 1207. Active board of trustees

(a) Composition; chairman

The control and management of the affairs and funds of the corporation shall be vested in its active board of trustees which, exclusive of ex officio and honorary members, shall consist of not more than forty active members and not less than twelve active members, one of whom shall be elected chairman.

(b) Term of office; reelection

The term of an active trustee of the board shall be four years in duration and, except by the unanimous vote of the members of the board of trustees present and voting, no active trustee may be reelected as an active trustee until after a lapse of one year from the expiration of his term as active trustee.

(c) Meetings

The board of trustees shall meet not less than once annually in the Capitol of the United States at Washington, District of Columbia, and at such other times as may be determined by the chairman. No meeting of the board of trustees may be held except pursuant to a time and place stated in the bylaws or upon thirty days written notice in advance of any such meeting.

(d) Election and removal

Trustees of the corporation shall be elected by action of the active board of trustees. Trustees may be removed by the vote of two-thirds of the other active trustees at any time with or without cause.

(Pub. L. 95–493, § 7, Oct. 20, 1978, 92 Stat. 1645.)

§ 1208. Officers of the corporation

(a) Authorized positions

The officers of the corporation shall be a president, who shall be the chief executive officer, five vice presidents, a treasurer, and a secretary.

(b) Membership on the board; compensation

During their respective terms of office, the officers of the corporation shall be ex officio members of the board with all the rights and privileges of a trustee including the right to vote. Officers may receive compensation or other remuneration for their services as determined by the board of trustees, and they may be reimbursed for their actual expenses.

(c) Election and term of office

Officers of the corporation shall be elected annually by action of the board of trustees and shall continue in office at the pleasure of the board.

(d) Duties

The duties of the officers of the corporation shall be such as usually pertain to the offices they hold and also shall include such additional duties as may be delegated by the board of trustees.

(e) Executive secretary and other personnel; compensation; duties

The board of trustees may employ an executive secretary and such other paid personnel as may be needed to assist the officers and the board and to accomplish the programs and business of the corporation. The board shall fix the compensation and prescribe the duties of the executive secretary and such other paid personnel who shall serve at the pleasure of the board.

(Pub. L. 95–493, § 8, Oct. 20, 1978, 92 Stat. 1645.)

§ 1209. Distribution of income or assets to members; loans

(a) No part of the income or assets of the corporation shall inure to any of its members, trustees, or officers, as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers or employees of the corporation or reimbursement for actual expenses in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan or an advance shall be jointly and severally liable to the corporation for the amount of such loan or advance until the repayment thereof.

(Pub. L. 95–493, § 9, Oct. 20, 1978, 92 Stat. 1646.)

§ 1210. Liability for acts of officers and agents

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

(Pub. L. 95–493, § 10, Oct. 20, 1978, 92 Stat. 1646.)

§ 1211. Issuance of stock or payment of dividends prohibited

The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(Pub. L. 95-493, § 11, Oct. 20, 1978, 92 Stat. 1646.)

§ 1212. Books and records; inspection

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, and committees having any authority under the board of trustees, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or the agent or attorney of such member, for any proper purpose, at any reasonable time.

(Pub. L. 95-493, § 12, Oct. 20, 1978, 92 Stat. 1646.)

§ 1213. Audit of financial transactions

(a) The provisions of sections 1102 and 1103 of this title shall apply with respect to the corporation.

(b) The corporation shall comply with the provisions of section 193m-1 of title 40.

(Pub. L. 95-493, § 13, Oct. 20, 1978, 92 Stat. 1646.)

§ 1214. Use of assets upon dissolution or liquidation

Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, any remaining assets of the corporation shall be distributed in accordance with the determination of the board of trustees of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

(Pub. L. 95-493, § 14, Oct. 20, 1978, 92 Stat. 1646.)

§ 1215. Exclusive right to name, emblem, seals, and insignia

The corporation shall have the sole and exclusive right to the name "United States Capitol Historical Society" and to have and use in carrying out its purpose, distinctive insignia, emblems, seals, descriptive or designating marks, and words or phrases, as may be required in the furtherance of its functions. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

(Pub. L. 95-493, § 15, Oct. 20, 1978, 92 Stat. 1647.)

§ 1216. Acquisition of assets and liabilities of existing corporation

The corporation may acquire the assets of the United States Capitol Historical Society, a corporation incorporated under the laws of the District of Columbia. The United States Capitol Historical Society shall retain and maintain its existing status as a corporation incorporated under the laws of the District of Columbia or a State.

(Pub. L. 95-493, § 16, Oct. 20, 1978, 92 Stat. 1647.)

§ 1217. Annual report

The corporation shall, as soon as practicable after the end of each fiscal year, submit a report to each House of the Congress with respect to the activities of the corporation during the preceding fiscal year.

(Pub. L. 95-493, § 17, Oct. 20, 1978, 92 Stat. 1647.)

§ 1218. Reservation of right to amend or repeal chapter

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 95-493, § 18, Oct. 20, 1978, 92 Stat. 1647.)

§ 121l. Insurance

§ 121m. Books and records; inspection

§ 121n. Liability for acts of officers and agents